

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 18, 2013

Elisabeth A. Shumaker
Clerk of Court

In re:

LINDSEY K. SPRINGER,

Petitioner.

No. 13-5113
(D.C. Nos. 4:13-CV-00145-SPF-TLW &
4:09-CR-00043-SPF-1)
(N.D. Okla.)

ORDER

Before **LUCERO**, **EBEL**, and **HOLMES**, Circuit Judges.

Lindsey K. Springer, proceeding pro se, has filed a petition for a writ of mandamus. Mr. Springer is subject to filing restrictions that prevent him from proceeding pro se unless he obtains permission from the Chief Judge. By order dated September 10, 2013, the Chief Judge granted him permission to proceed pro se in this mandamus action. In his petition, he requests that this court order the district court to vacate his convictions for conspiracy to defraud the United States, tax evasion, and other crimes for being entered without jurisdiction.

“[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances.” *In re Cooper Tire & Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (internal quotation marks omitted). “Three conditions must be met before a writ of mandamus may issue”: (1) the petitioner “must have no other adequate means to attain the relief he desires”; (2) “the petitioner must demonstrate that his right to the writ is clear and indisputable”; and (3) “the issuing court, in the

exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.” *Id.* at 1187 (internal quotation marks omitted).

Mr. Springer’s request is not appropriate for mandamus relief because he has an adequate alternative remedy. He has a motion under 28 U.S.C. § 2255 currently pending in the district court in which he has raised this same jurisdictional argument, and if his argument is ultimately unsuccessful before that court, he can appeal from that decision. Accordingly, we deny his mandamus petition. We grant his motion for leave to proceed on appeal without prepayment of costs or fees.

Entered for the Court

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

September 18, 2013

Douglas E. Cressler
Chief Deputy Clerk

Lindsey K. Springer
FCI - Big Spring
1900 Simler Avenue
Big Spring, TX 79720
02580-063

RE: 13-5113, In re: Springer
Dist/Ag docket: 4:13-CV-00145-SPF-TLW, 4:09-CR-00043-SPF-1

Dear Appellant:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Jeffrey Andrew Gallant
Charles Anthony O'Reilly

EAS/na